

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

DENNIS HENRY and KAREN HENRY

PLAINTIFFS

V.

CASE NO. 5:15-CV-5288

RONALD MULLIS, M.D.

DEFENDANT

ORDER

On November 25, 2015, Plaintiffs Dennis Henry and Karen Henry filed a Complaint in this Court against three Defendants—the United States of America, Ronald Mullis, M.D., and William R. McNair, M.D.—alleging that they provided negligent medical care to Mr. Henry at a Veterans Administration Hospital in Fayetteville, Arkansas, injuring him and causing his wife, Mrs. Henry, to lose his care, support, and consortium. See Doc. 1. The claim against the United States was brought under the Federal Tort Claims Act, giving this Court jurisdiction under 28 U.S.C. §§ 1346(b)(1) and 1367(a). See *id.* A few weeks later, Dr. McNair was terminated as a party, leaving only the United States and Dr. Mullis as Defendants in this case. See Text Only Order dated January 12, 2016.

On the same day that the Henrys filed their original Complaint in this Court, they also filed a complaint in the Circuit Court of Washington County, Arkansas, asserting claims against Drs. Mullis and McNair that were identical to those brought in the instant case. See Case No. 5:16-cv-5051, Doc. 3. The United States removed that case to this Court, through its employee, Dr. McNair, on February 29, 2016. See Case No. 5:16-cv-5051, Doc. 1. A few months later, this Court substituted the United States as a Defendant

for Dr. McNair in that case, terminating him as a party once again. See Case No. 5:16-cv-5051, Text Only Order dated May 19, 2016.

On May 6, 2016, Mrs. Henry initiated a third lawsuit against the United States and Dr. Mullis, filing a complaint in this Court against them that asserted the same causes of action that were already described above. See Case No. 5:16-cv-5098, Doc. 1. On June 24, 2016, this Court entered an Order consolidating all three lawsuits into the instant case, and directing the Henrys to file an Amended Complaint. See Doc. 29. The Henrys complied, filing their Amended Complaint against the United States and Dr. Mullis on July 7, 2016. See Doc. 30.

A year and a half later, the Henrys settled their claims against the United States, and moved to dismiss the United States with prejudice subject to the terms of the settlement agreement. See Doc. 97. This Court granted that motion on November 17, 2017, leaving only Dr. Mullis as a Defendant in this case. See Doc. 99. On that same day, Dr. Mullis filed a Motion to Remand to State Court, asking this Court to send this case back to the Washington County Circuit Court. The basis for this Motion is that this Court has now dismissed all of the claims over which it had original jurisdiction: all of the remaining parties are residents of Arkansas, and with the United States gone, all of the remaining claims are brought solely under Arkansas law. See Doc. 100. The deadline for the Henrys to respond has passed, see Local Rule 7.2(b), and they have not filed any objection or other response to Dr. Mullis's Motion.

IT IS THEREFORE ORDERED that Defendant Ronald Mullis, M.D.'s Motion to Remand to State Court (Doc. 100) is **GRANTED** pursuant to Local Rule 7.2(f), and this Court declines to exercise supplemental jurisdiction over the Plaintiffs' claims against Dr.

Mullis. See 28 U.S.C. § 1367(c)(3). The Clerk of the Court is **DIRECTED** to **REMAND** this matter to the Circuit Court of Washington County, Arkansas for further disposition.

IT IS SO ORDERED on this 5th day of December, 2017.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE